

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: Jeffrey Rodman et al.	§	CUSTOMER NO.: 29855
	§	
Serial No.: 10/032,766	§	Docket No.: 199-0032US
	§	
Filed: December 26, 2001	§	Art Unit: 2143
	§	
For: System and Method for Coordinating	§	Confirmation No.: 5760
a Conference Using a Dedicated	§	
Server	§	Examiner: England, David E.

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APPEAL BRIEF

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I. REAL PARTY IN INTEREST

POLYCOM, INC. is the real party in interest

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 42-65 are rejected. Claims 42-65 are appealed.

IV. STATUS OF AMENDMENTS

None.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This section provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by paragraph and line number and to the drawings by reference characters as required by 37 CFR § 41.37(c)(1)(v). Each element of the claims is identified with a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

Independent claim 42 recites a conference endpoint (FIG. 2, local conference endpoint 105; ¶ 0027) comprising:

- a CPU (FIG. 2, CPU 214; ¶ 0027);
- a telephone line interface (FIG. 2, PSTN Interface 218; ¶¶ 0029, 0033) for coupling said conference endpoint to a telephone line;
- a network interface (FIG. 2, Network Interface 216; ¶¶ 0029, 0044) for coupling said conference endpoint to a computer network (FIG. 1, network 120; ¶ 0024);
- a microphone (FIG. 2, microphone 202; ¶ 0027) for generating near speech signals (¶ 0027) for transmission over said telephone line, said near speech signals being representative of speech of a near conference participant (FIG. 1, local conference endpoint 105; ¶ 0023);
- a speaker (FIG. 2, speaker 204; ¶ 0027) for converting to sound remote speech signals received from a remote device (FIG. 1, remote conference endpoint 110; ¶ 0023) over said telephone line, said remote speech signals being representative of speech of at least one remote conference participant;
- a data conference initiation module (FIG. 2, conference initiation module 308; ¶¶ 0031-0033, 0039), coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request (FIG. 6, step 604; ¶¶ 0012, 0031-0035, 0039) to a conference server (FIG. 1, conference server 150; ¶ 0024) over said computer network, for receiving a data conference code (FIG. 3, conference code 310; ¶ 0031) generated by said conference server, wherein said

data conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference, and for responsively transmitting over said telephone line a data conference invitation (FIG. 6, step 618; ¶¶ 0033, 0043) to said remote device, said conference invitation including information representative of said data conference code; and

- a memory (FIG. 3, memory 212; ¶¶ 0029, 0031, 0032, 0034) for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference,
- wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory.

Dependent claim 47 depends from claim 42 and recites wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF) tones (¶¶ 0013, 0033, 0043).

Independent claim 50 recites a method (FIG. 6, flowchart 600; ¶¶ 0038-0048) for initiating and managing a data conference (¶¶ 0022, 0024) from a near conference endpoint (FIG. 1, local conference endpoint 105; ¶ 0027), comprising:

- at the near conference endpoint:
 - establishing a connection (FIG. 6, step 602; ¶ 0038) over a telephone line with at least one remote conference endpoint (FIG. 1, remote conference endpoints 110; ¶ 0038);
 - transmitting a data conference initiation request (FIG. 6, step 604; ¶ 0039, 0040) to a conference server (FIG. 1, conference server 150; ¶ 0024) over a computer network (FIG. 1, network 120; ¶ 0024);
 - receiving from the conference server a unique data conference code (¶ 0043) corresponding to said data conference initiation request, wherein said data conference code, when presented to said conference server, authorizes said at least one remote conference endpoint to join said data conference;

- generating an audio signal representative of said data conference code (FIG. 6, step 618; ¶ 0043);
- transmitting said audio signal (FIG. 6, step 618; ¶ 0043) to said at least one remote conference endpoint over said telephone network; and
- receiving one or more files containing conference data (FIG. 6, step 630; ¶ 0048) distributed by said conference server via said computer network during said data conference.

Independent claim 53 recites a method (FIG. 6, flowchart 600) for initiating and managing a data conference (¶¶ 0022, 0024) at a conference server (FIG. 1, conference server 150; ¶ 0024), the method comprising the acts of:

- at said conference server:
 - receiving a conference initiation request (FIG. 6, steps 604, 606; ¶¶ 0040, 0041) from a first conference endpoint (FIG. 2, local conference endpoint 105; ¶ 0027) over a computer network (FIG. 1, network 120; ¶ 0024);
 - generating a conference code (FIG. 6, step 612; ¶ 0042) in response to said conference initiation request, wherein said conference code when presented to said conference server by one or more second conference endpoints authorizes said one or more second conference endpoints to join said data conference;
 - transmitting said conference code (FIG. 6, step 616; ¶ 0043) to said first conference endpoint over the computer network;
 - maintaining a list of data conference participants (¶ 0047) based on received data conference join requests from said first and said one or more second conference endpoints; and
 - distributing one or more files comprising conference data (FIG. 6, step 630; ¶ 0048) to said data conference participants over said computer network.

Independent claim 58 recites a machine readable medium (§ 0029) having embodied thereon a program (FIG. 6, flowchart 600), the program being executable by a machine (FIG. 2, endpoint 105; § 0027) to perform method acts for coordinating a data conference (§§ 0022, 0024) utilizing electronic means, the method acts comprising:

- at a near conference endpoint (FIG. 1, local conference endpoint 105; § 0027):
 - transmitting a data conference initiation request (FIG. 6, step 604; § 0039, 0040) to a conference server (FIG. 1, conference server 150; § 0024) over a computer network (FIG. 1, network 120; § 0024);
 - receiving a conference code (§ 0043) from said conference server over said computer network in response to said data conference initiation request, wherein said conference code, when presented to said conference server by at least one remote conference endpoint, authorizes said at least one remote conference endpoint to join said data conference;
 - generating an audio signal (FIG. 6, step 618; § 0043) representative of said conference code;
 - transmitting said audio signal (FIG. 6, step 618; § 0043) to said at least one remote conference endpoint over a telephone line; and
 - transmitting one or more files comprising conference data (FIG. 6, step 630; § 0048) to said conference server for distribution to said at least one remote conference endpoint via said computer network during said data conference.

Independent claim 59 recites a machine readable medium (§ 0029) having embodied thereon a program (FIG. 6, flowchart 600), the program being executable by a machine (FIG. 2, endpoint 105; § 0027) to perform method acts for coordinating a data conference (§§ 0022, 0024) utilizing electronic means, the method acts comprising:

- at a remote conference endpoint (FIG. 1, remote conference endpoints 110; § 0038):
 - receiving an audio signal (FIG. 6, step 618; § 0043) representative of a conference code from at least one conference endpoint over a telephone

line wherein said conference code, when presented to a conference server by said remote conference endpoint, authorizes said remote conference endpoint to join said data conference;

- transmitting a data conference join request (FIG. 6, step 622; ¶ 0045) including said conference code to said conference server over a computer network (FIG. 1, network 120; ¶ 0024) in response to receiving said audio signal; and
- receiving one or more files comprising conference data (FIG. 6, step 630; ¶ 0048) distributed by said conference server via said computer network during said data conference.

Independent claim 60 recites a conference endpoint comprising:

- a CPU (FIG. 2, CPU 214; ¶ 0027);
- a telephone line interface FIG. 2, PSTN Interface 218; ¶¶ 0029, 0033) for coupling said conference endpoint to a telephone line;
- a network interface (FIG. 2, Network Interface 216; ¶¶ 0029, 0044) for coupling said conference endpoint to a computer network;
- a microphone (FIG. 2, microphone 202; ¶ 0027) for generating near speech signals (¶ 0027) for transmission over said telephone line, the near speech signals being representative of speech of a near conference participant (FIG. 1, local conference endpoint 105; ¶ 0023);
- a speaker (FIG. 2, speaker 204; ¶ 0027) for converting to sound remote speech signals received from a remote device over said telephone line, the remote speech signals being representative of speech of at least one remote conference participant;

- a data conference initiation (FIG. 2, conference initiation module 308; ¶¶ 0031-0033, 0039) module coupled to said network interface and to said telephone line interface and configured to receive over said telephone line interface from a remote conference endpoint (FIG. 1, remote conference endpoints 110; ¶ 0038) a data conference invitation (FIG. 6, step 618; ¶¶ 0033, 0043) including information representative of a data conference code (FIG. 3, conference code 310; ¶ 0031), wherein said data conference code, when presented to a conference server by said endpoint, authorizes said endpoint to join said data conference, and further configured to transmit a data conference join request including said data conference code to said conference server over said computer network in response to the received conference invitation; and
- a memory (FIG. 3, memory 212; ¶¶ 0029, 0031, 0032, 0034) for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference,
- wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory.

Dependant claim 63 depends from claim 60 and recites wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF) tones (¶¶ 0013, 0033, 0043).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 58 and 59 are rejected under 35 U.S.C. §101 because claimed invention is directed to non-statutory subject matter.

Claims 43-53 and 55-65 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2007/0192410 to Liversidge *et al.* (hereinafter “Liversidge”).

Claim 54 is rejected under 35 U.S.C. §103(a) as being unpatentable over Liversidge in view of U.S. Patent Publication No. 2001/0016038 to Sammon *et al.* (hereinafter “Sammon”).

VII. ARGUMENT

The claims do not stand or fall together. Instead, Appellants present separate arguments for various independent and dependent claims. After a concise discussion of cited art, each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 CFR § 41.37(c)(1)(vii).

A. Section 101 Rejections

1. Independent claims 58 and 59

Claims 58 and 59 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. This rejection is respectfully traversed.

Specifically, the rejection states that “The newly added paragraph of the Specification dated 01/11/2008 defines the machine readable medium as a program, which makes these claims non-statutory.” (Final Office Action dated April 3, 2008, page 2).

The newly added paragraph to the Specification in the Appellants’ reply of January 11, 2008 states in part, “It will be further recognized by those skilled in the art that a machine readable medium can *encompass* a program that can be executed by a machine to perform the method steps for coordinating a conference...” (Emphasis added). Appellants respectfully submit that the above paragraph does not “define” the machine readable medium as a program, as alleged by the Examiner on page 2 of the Final Office Action dated April 3, 2008. The added paragraph merely states that the machine readable medium “encompasses” a program that can be executed by a machine. Encompassing an entity such as a program in no way implies that the machine readable medium itself is a program. Instead it implies that the machine readable medium includes a program. For example, Appellants refer to the following entry for the meaning of the word “encompass” appearing in the Webster’s Seventh New Collegiate Dictionary, published in 1970 by G. & C. Merriam Company, Springfield, Massachusetts, U.S.A.:

en·com·pass \in-ˈkəm-pəs, -ˈkām-\ *vt* **1 a** : to form a circle about
: ENCLOSE **b obs** : to go around **2 a** : ENVELOP **b** : INCLUDE **3** : to
bring about : ACCOMPLISH — **en·com·pass·ment** \-pə-smənt\ *n*

Therefore, the Examiner’s construing the word “encompassing” as “defining” is in error. Furthermore, Appellants submit that a person of ordinary skill in the art would know the difference between a program and a computer readable medium that encompasses the program.

Additionally, as indicated in the Appellants' reply dated January 11, 2008, various machine readable media are described in the specification. See, for example, paragraph [0029], relevant portion of which is reproduced below:

The local conference endpoint 105 is provided with a memory 212, which may include one or a combination of random access memory (RAM), read only memory (ROM), and/or storage devices such as magnetic hard disks, CD-ROMs, and magneto-optical drives. The memory 212 is used for storing executable program instructions, text and graphics files, and other data, and is coupled to a central processing unit (CPU) 214, which executes program instructions and manages communications between and among the several components of the local conference endpoint 105.

Therefore, the rejection under 35 U.S.C. § 101 is improper. Accordingly, withdrawal of this rejection is respectfully requested.

B. Section 102 Rejections

1. Independent claims 42 and 50

Claims 42 and 50 have been rejected under 35 U.S.C. 102(e) as being anticipated by Liversidge. Appellant respectfully disagrees.

- a. Liversidge does not disclose “...*wherein said conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference...*” as recited in claims 42 and 50.

The Examiner alleges that the “StatusEvent” message disclosed by Liversidge (FIG. 14, reference numerals 234, 236, and 238) are examples of data conference codes.

“a data conference initiation module, coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request to a conference server over said computer network, for receiving a data conference code generated by said conference server, wherein said data conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference, (e.g., Figure 14 & ¶100, *As can clearly see in Fig. 14 shows a type of data conference code, elements 234, 236 and 238 for*

example. This is used when a new conference is set up and a conference team is made.),” (Emphasis added).

Final Office Action dated April 3, 2008, page 4.

Appellants respectfully disagree. Liversidge discusses the StatusEvent message in paragraph [0100], the relevant portion of which is reproduced below.

“Upon successful creation of the status table 43 and registration of the team creator as a team member, the Presence Server 42 returns a StatusEvent message 234 to the VTE server 40, which forwards StatusEvent messages (at 236 and 238) to the VTE client A) 4a in order *to notify the team creator of successful creation of the team*. Upon receipt of this StatusEvent message, the VTE client application 44a updates the virtual team space display 122 to reflect the identity of the newly created team, as well as the status of the team creator as a member of the team.” (Emphasis added).

First, the StatusEvent messages of Liversidge are sent from the conference server to the client. This is in contrast with presenting conference code *to the conference server*, as required by claims 42 and 50. Second, Liversidge discloses no relationship between the StatusEvent message and *authorizing* the remote device to join the data conference. As emphasized above in paragraph [0100] of Liversidge, the StatusEvent message merely notifies a successful creation of the team. There is no teaching in Liversidge of the StatusEvent message *authorizing* any remote device to join a data conference. In the absence of such teaching, the StatusEvent message cannot be equated to a conference code that when presented to the conference server by the remote device, *authorizes* the remote device to join the data conference.

- b.** Liversidge fails to disclose the limitation of claim 42 that requires “...*responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code.*”

In rejecting this element of the claim, the Examiner does no more than merely point to paragraphs 0073, 0186-0188, with no specificity or supporting arguments supporting the alleged

disclosure by Liversidge of this limitation of claim 42. It is therefore impossible for the Appellants to specifically address the Examiner's rejection. Nonetheless, Appellants have reviewed the cited portions of Liversidge, and submit that the cited portions of Liversidge and the referenced figures fail to disclose this limitation of claim 42.

Liversidge is completely silent regarding any communication transmitted from the VTE client (A) to the VTE client (C) that can be interpreted as a conference invitation, and where that conference invitation includes a conference code. As can be seen in FIG. 36 and FIG. 36a, Liversidge does not show or disclose any transmission that includes the StatusEvent is sent from VTE client (A) to VTE client (C). The only communication, relating to conference setup, between the VTE client (A) and the VTE client (C) is the communication labeled IPSet-up (FIG. 36a, 1498). Paragraph [0188] of Liversidge states "VTE client (A) uses the IP address provided in step 1480 to perform IP setup and content negotiation with VTE client (C) at step 1498." Liversidge is completely silent regarding VTE client (A) transmitting a "conference invitation" to VTE client (C). That is, the IP setup and content negotiation is not a conference invitation including information representative of the data conference code. This is evident from the fact that message 1498 of IP setup and content negotiation is sent *after* the VTE client (C) has been successfully invited to the data conference. Referring to FIG. 36a, paragraph [0188] of Liversidge clearly states that "The conference bridge then sends a message to the VTE server via the data packet network to inform the VTE server that the team member using VTE client (C) ***has accepted the invitation*** (step 1472)," (emphasis added), confirming that the VTE client has accepted an invitation to join the multi-media conference at least by the end of step 1472 in FIG. 36a. It is needless for the VTE client (A) to send a conference invitation to VTE client (C) to join the data conference, when VTE client (C) has already joined the data conference in the preceding step 1472. Therefore, Liversidge fails to disclose transmitting over a telephone line a data conference invitation to a remote device.

Furthermore, there is no teaching that the IPSet-up message 1498 includes the information representative of the alleged conference code, the StatusEvent message (Liversidge, FIG. 36, reference numbers 1442 or 1446). Therefore, Liversidge fails to disclose or show that the conference invitation includes information representative of the data conference code. Consequently, Liversidge fails to disclose or show at least this limitation required by claim 42.

- c. Claim 50 recites, in part, "...generating *an audio signal representative of said data conference code*; transmitting said *audio signal to said at least one remote conference endpoint* over said telephone network..."

It is clear from the above discussion with relation to claim 42 that Liversidge fails to disclose transmitting any data to a remote device that includes data representative of the data conference code. Therefore, it follows that Liversidge also fails to show or disclose an audio signal representative of said conference code being transmitted to at least one remote conference endpoint. Thus, Liversidge fails to disclose or show at least this limitation of claim 50.

Thus, Liversidge fails to show or disclose at least one limitation required by claims 42 and 50. Therefore, claims 42 and 50 are patentable over Liversidge. Accordingly, withdrawal of the rejection with respect to these claims is respectfully requested.

Appellants note the following language in rejecting claims 47, 48, 53, 58-65:

35. The teachings of claims 47, 48, 53, 58 - 65 are similar to the above claim language and therefore the teachings of claims 47, 48, 53, 58 - 65 can be found in the same cited areas of the prior art above.

Final Office Action dated April 3, 2008, page 7.

Because the Examiner has not articulated his rejection with specificity on a claim-element by claim-element basis, Appellants do not have sufficient information to respond to the Examiner's rejection on an element by element basis. However, Appellants note that each rejected independent claim includes at least one limitation that is not contained in Liversidge. These limitations are discussed in response to the rejection of the following claims. Moreover, there are likely additional reasons that the following claims are novel over Liversidge, but without a detailed rejection, Appellants lack the required specificity to respond.

2. Independent claims 53, 58, and 59

Claims 53, 58, and 59 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Liversidge. Appellant respectfully disagrees.

Claims 53, 58, and 59 require, in part, "...*wherein said conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference...*" As discussed with respect to traversing rejections of claims 42 and 50 (See

section (VII)(B)(1) *supra*), Liversidge does not disclose this limitation. Therefore, Liversidge fails to disclose at least this limitation of claims 53, 58 and 59. Therefore, claims 53, 58, and 59 are patentable over Liversidge.

3. Dependent claims 47 and 63

Claims 47 and 63 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Liversidge. Appellant respectfully disagrees.

Appellants submit that Liversidge does not disclose “...*wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF) tone*” as required by claims 47 and 63.

Liversidge discusses DTMF signals only in paragraph [0018]; the relevant portion of which is reproduced below.

[0188] As shown in FIG. 36a, the team member using VTE client (C) *accepts the invitation to join the multi-media communications session* by selecting an appropriate key from the voice communications device keypad, *which transmits a dual-tone modulated frequency (DTMF) signal* (or by speaking an appropriate voice command which is interpreted by speech recognition) to the conference bridge *to inform the conference bridge that the invitation is accepted* (step 1468). (Emphasis added.)

The portion of Liversidge merely indicates that VTE client (C) *accepts the invitation to join the multi-media communications session* by transmitting DTMF signals. In other words, this only establishes that the acceptance of an invitation can comprise of DTMF signal. However there is no indication of the *invitation* itself comprising DTMF signals, as required by claims 47 and 63.

In fact, the invitation message of Liversidge comprises an audio announcement played to the member using VTE client (C), and not a DTMF signal. Paragraph [0187] of Liversidge discloses “In response, the VTE server sends a PlayInvitation message through the data packet network to the conference bridge instructing the conference bridge to *play an Invitation message* and providing the session ID.....The conference bridge retrieves the information related to the

invitation and uses *text-to-speech conversion* as shown as 1462 to *play an announcement to the team member using VTE client (C)*...” Therefore, the invitation message of Liversidge is an audio announcement that is a result of a text-to-speech conversion of an invitation text message. The invitation message is not a DTMF signal.

Thus, Liversidge does not disclose this limitation of claims 47 and 63.

4. Independent claim 60

Claim 60 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Liversidge. Appellant respectfully disagrees.

Appellants submit that Liversidge does not disclose “...*receive over the telephone line interface from a remote conference endpoint a data conference invitation including information representative of a data conference code, wherein the data conference code when presented to a conference server by the endpoint authorizes the endpoint to join the data conference, and further configured to transmit a data conference join request including the data conference code to the conference server over the computer network in response to the received conference invitation*...” as required by claim 60. Note that the above limitation focuses on receiving an invitation to join a data conference from a remote endpoint and in response transmitting a data join request to the conference server. Both the received invitation and the transmitted data join request include the conference code.

Liversidge discloses that the only communication between the VTE client (A) and the VTE client (C) is the communication labeled IPSet-up (FIG. 36a, 1498). Paragraph [0188] of Liversidge states “VTE client (A) uses the IP address provided in step 1480 to perform IP setup and content negotiation with VTE client (C) at step 1498.” Liversidge is completely silent regarding VTE client (C) receiving a “conference invitation” from VTE client (A), as required by claim 60. That is, the IP setup and content negotiation is not an invitation to join a data conference. This is evident from the fact that message 1498 of IP setup and content negotiation is sent *after* the VTE client (C) has been successfully invited to the data conference. Referring to FIG. 36a, paragraph [0188] of Liversidge clearly states that “The conference bridge then sends a message to the VTE server via the data packet network to inform the VTE server that the team member using VTE client (C) *has accepted the invitation* (step 1472),” (emphasis added), confirming that the VTE client has accepted an invitation to join the multi-media conference at

least by the end of step 1472 in FIG. 36a. It is needless for the VTE client (A) to send an invitation to VTE client (C) to join the data conference, when VTE client (C) has already joined the data conference in the preceding step 1472. Therefore, Liversidge fails to disclose or show at least the limitation required by claim 60 which states that the endpoint receives a conference invitation over the telephone line interface from a conference endpoint.

Even if it were assumed, *arguendo*, that the IP setup and content negotiation message 1498 is an invitation to join the data conference, Liversidge is still silent regarding the limitation required by claim 60 stating that the endpoint, in response to the invitation received from the remote endpoint, transmits a data join request to the conference server. As can be seen from FIG. 36a, after the VTE Client (C) receives the IP setup and content negotiation message from VTE client (A) in step 1498, VTE client (C) does not even communicate with the VTE server. Therefore Liversidge fails to show even a single transmission from the VTE client (C) to the server in response to the communication received from VTE client (A), let alone showing that the transmission includes a data join request. In fact, the VTE client (C) will not send any join request to the VTE server because the VTE client (C) has already successfully joined the data conference in step 1472.

Furthermore, Liversidge fails to disclose a “conference code, wherein the data conference code when presented to a conference server by the endpoint authorizes the endpoint to join the data conference...” Appellants refer to the arguments presented in traversing the rejection of claim 42 and 50 (See Section (VII)(B)(1) *supra*), submitting that Liversidge fails to disclose this limitation of claim 60.

Thus, Liversidge fails to teach at least one limitation of claim 60. Therefore, claim 60 is patentable over Liversidge. Accordingly, withdrawal of this rejection is respectfully requested.

C. Section 103 Rejections

1. Dependent claim 54

Claim 54 has been rejected under 35 U.S.C § 103(a) as being unpatentable over Liversidge in view of Sammon. Appellant respectfully disagrees.

As discussed above, in relation to the § 102(e) rejections, independent claim 53 is patentable over Liversidge. Sammon has been cited merely to provide that it teaches the act of distributing one or more files comprising web pages. Sammon fails to disclose all the limitations

of claim 53 or provide that which Liversidge lacks with respect to claim 53. Specifically, Sammon fails to teach or suggest the server generating a conference code in response to the conference initiation request, wherein said data conference code, when presented to the conference server, authorizes said at least one remote conference endpoint to join said data conference. Furthermore, Sammon fails to teach or suggest transmitting the conference code to the requesting endpoint over the computer network, as also required by claim 53. Therefore, Liversidge and Sammon considered separately or in combination, fail to teach all the limitation required by independent claim 53. Therefore, claim 53 is patentable over Liversidge and Sammon. Claim 54 depends directly from claim 53, and is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

D. CONCLUSION

For at least the reasons stated above, Appellants respectfully submits that all outstanding rejections should be reversed. Additionally, to the extent specific claims have not been addressed, these claims depend from one or more claims that are specifically addressed, and are therefore patentable for at least the same reasons as the claims specifically addressed. Appellants further believe that they have complied with each requirement for an appeal brief.

In the course of the foregoing discussions, Appellants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

It is believed that a one month extension is necessary and that appropriate fees are due. The Office is authorized to charge such time extension fees per 37 CFR 1.17(a) and any other fees or credit any overpayment to Deposit Account Number 501922, referencing docket number 199-0032US.

* * * * *

Respectfully submitted,

October 3, 2008

Date

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VIII. CLAIMS APPENDIX

1-41 (canceled without prejudice)

42. (previously presented) A conference endpoint comprising:
a CPU;
a telephone line interface for coupling said conference endpoint to a telephone line;
a network interface for coupling said conference endpoint to a computer network;
a microphone for generating near speech signals for transmission over said telephone line, said near speech signals being representative of speech of a near conference participant;
a speaker for converting to sound remote speech signals received from a remote device over said telephone line, said remote speech signals being representative of speech of at least one remote conference participant;
a data conference initiation module, coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request to a conference server over said computer network, for receiving a data conference code generated by said conference server, wherein said data conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference, and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code; and
a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory.

43. (previously presented) The conference endpoint of claim 42, wherein said data conference initiation module transmits said conference initiation request in response to a predetermined user input.

44. (previously presented) The conference endpoint of claim 42, further comprising a display device coupled to said network interface for displaying said conference data.

45. (previously presented) The conference endpoint of claim 42, wherein said conference data comprises video information.

46. (previously presented) The conference endpoint of claim 42, wherein the data conference initiation module is further configured to transmit a conference join request to said conference server over said computer network responsive to a received conference invitation.

47. (previously presented) The conference endpoint of claim 42, wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF) tones.

48. (previously presented) The conference endpoint of claim 42, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information.

49. (previously presented) The conference endpoint of claim 42, wherein said data conference initiation module is further configured for transmitting over said computer network a data conference invitation to said remote device.

50. (previously presented) A method for initiating and managing a data conference from a near conference endpoint, comprising:

at the near conference endpoint:

establishing a connection over a telephone line with at least one remote conference endpoint;

transmitting a data conference initiation request to a conference server over a computer network;

receiving from the conference server a unique data conference code corresponding to said data conference initiation request, wherein said data conference code, when presented to said conference server, authorizes said at least one remote conference endpoint to join said data conference;

generating an audio signal representative of said data conference code;

transmitting said audio signal to said at least one remote conference endpoint over

said telephone network; and
receiving one or more files containing conference data distributed by said
conference server via said computer network during said data conference.

51. (previously presented) The method of claim 50, wherein the act of generating an audio code comprises generating a string of DTMF tones.

52. (previously presented) The method of claim 50, wherein the act of transmitting a data conference initiation request is performed in response to a predetermined user input.

53. (previously presented) A method for initiating and managing a data conference at a conference server, the method comprising the acts of:

at said conference server:
receiving a conference initiation request from a first conference endpoint over a
computer network;
generating a conference code in response to said conference initiation request,
wherein said conference code when presented to said conference server by
one or more second conference endpoints authorizes said one or more second
conference endpoints to join said data conference;
transmitting said conference code to said first conference endpoint over the
computer network;
maintaining a list of data conference participants based on received data
conference join requests from said first and said one or more second
conference endpoints; and
distributing one or more files comprising conference data to said data conference
participants over said computer network.

54. (previously presented) The method of claim 53, wherein the act of distributing one or more files comprising conference data comprises transmitting a web page.

55. (previously presented) The method of claim 53, wherein said conference data is representative of a document.

56. (previously presented) The method of claim 53, wherein said conference data is representative of a presentation slide.

57. (previously presented) The method of claim 53, further comprising the act of converting at least one of said one or more files from a first format to a second format.

58. (previously presented) A machine readable medium having embodied thereon a program, the program being executable by a machine to perform method acts for coordinating a data conference utilizing electronic means, the method acts comprising:

at a near conference endpoint:

transmitting a data conference initiation request to a conference server over a computer network;

receiving a conference code from said conference server over said computer network in response to said data conference initiation request, wherein said conference code, when presented to said conference server by at least one remote conference endpoint, authorizes said at least one remote conference endpoint to join said data conference;

generating an audio signal representative of said conference code;

transmitting said audio signal to said at least one remote conference endpoint over a telephone line; and

transmitting one or more files comprising conference data to said conference server for distribution to said at least one remote conference endpoint via said computer network during said data conference.

59. (previously presented) A machine readable medium having embodied thereon a program, the program being executable by a machine to perform method acts for coordinating a data conference utilizing electronic means, the method acts comprising:

at a remote conference endpoint:

receiving an audio signal representative of a conference code from at least one conference endpoint over a telephone line wherein said conference code, when presented to a conference server by said remote conference endpoint, authorizes said remote conference endpoint to join said data conference;

transmitting a data conference join request including said conference code to said conference server over a computer network in response to receiving said audio signal; and

receiving one or more files comprising conference data distributed by said conference server via said computer network during said data conference.

60. (previously presented) A conference endpoint comprising:

a CPU;

a telephone line interface for coupling said conference endpoint to a telephone line;

a network interface for coupling said conference endpoint to a computer network;

a microphone for generating near speech signals for transmission over said telephone line, the near speech signals being representative of speech of a near conference participant;

a speaker for converting to sound remote speech signals received from a remote device over said telephone line, the remote speech signals being representative of speech of at least one remote conference participant;

a data conference initiation module coupled to said network interface and to said telephone line interface and configured to receive over said telephone line interface from a remote conference endpoint a data conference invitation including information representative of a data conference code, wherein said data conference code, when presented to a conference server by said endpoint, authorizes said endpoint to join said data conference, and further configured to transmit a data conference join request including said data conference code to said conference server over said computer network in response to the received conference invitation; and

a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory.

61. (previously presented) The conference endpoint of claim 60, further comprising a display device coupled to said network interface for displaying said conference data.

62. (previously presented) The conference endpoint of claim 60, wherein said conference data comprises video information.

63. (previously presented) The conference endpoint of claim 60, wherein said data conference invitation comprises a string of dual tone multi-frequency (DTMF) tones.

64. (previously presented) The conference endpoint of claim 60, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information.

65. (previously presented) The conference endpoint of claim 60, wherein said data conference initiation module is further configured for receiving over said computer network a data conference invitation from said remote conference endpoint.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.